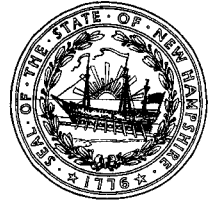




The State of New Hampshire  
*Department of Environmental Services*



Michael P. Nolin  
Commissioner

June 14, 2006

**LETTER OF DEFICIENCY #WSEB 06-052**  
Certified Mail #7099 3400 0003 6156 5118

Michael Scala  
CTHR Corp.  
1614 Wakefield Rd.  
Wakefield, NH 03872

Subject: Wakefield - Public Water System: Close to Home Restaurant (EPA #2398090)

Dear Mr. Scala:

The records of the Department of Environmental Services (DES) show that the Close to Home Restaurant water system is classified as a public water system (PWS), as defined by RSA 485:1a. A PWS is defined as any water system supplying 15 or more services, or 25 or more people, for 60 or more days per year. As such, the water system owner is required to submit samples according to the system's established Master Sampling Schedule to the State laboratory or a State-certified laboratory in compliance with NH Administrative Rules Env-Ws 321 through 330.

DES records show that the subject water system failed to submit the required Nitrate sample for the second quarter 2005, and as a result, a Letter of Deficiency (LOD) was issued to the water system on February 10, 2006, a copy of which is enclosed. Pursuant to Env-Ws 351, the LOD noted the requirement that public notice of the Nitrate monitoring and reporting violation be performed within 30 days and that proof of public notice be sent to DES within 10 days of performing such public notice. DES acknowledges that the required second quarter 2005 Nitrate sample was submitted as a make-up sample; however, the water system is required to provide proof of public notice to all consumers for the second quarter 2005 Nitrate sample.

As a result of the failure to perform public notice for the second quarter 2005 Nitrate monitoring and reporting violation, a NOV, dated April 14, 2006, was sent to you, a copy of which is enclosed. This NOV requested that you perform the overdue public notice within 7 days and then immediately provide proof of public notice to DES.

To date, no proof of public notice has been received by DES for the second quarter 2005 Nitrate monitoring and reporting violation, thus placing the water system in violation of Env-Ws 351.

DES believes the public notice violation can be corrected, and future violations prevented, by taking the following actions:

1. **By June 28, 2006**, carry out the public notice requirements for the second quarter 2005 Nitrate monitoring and reporting violation in accordance with the instructions on the enclosed public notice template; and
2. **By July 5, 2006**, provide proof of public notice to DES in accordance with the instructions on the enclosed public notice template.

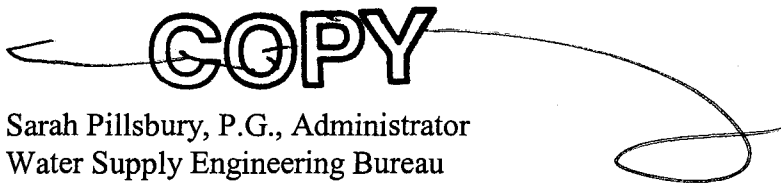
In the event compliance is not achieved within the above specified time periods, DES may initiate formal action, including issuing an order requiring the deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the NH Department of Justice for imposition of appropriate penalties.

The proof of public notice as requested above should be addressed as follows or faxed to (603) 271-5171:

Emily Jones  
Department of Environmental Services  
Water Supply Engineering Bureau  
29 Hazen Drive, PO Box 95  
Concord, NH 03302-0095

Please contact Emily Jones by phone at (603) 271-0659 or by e-mail at [ejones@des.state.nh.us](mailto:ejones@des.state.nh.us) if you have any questions regarding this letter.

Sincerely,

 **COPY**  
Sarah Pillsbury, P.G., Administrator  
Water Supply Engineering Bureau

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encl. Letter of Deficiency (chemical monitoring), dated February 10, 2006  
Notice of Violation (public notice), dated April 14, 2006  
Nitrate Public Notice template

cc: ✓ Gretchen R. Hamel, DES Legal Unit Administrator  
DHHS Restaurant Licensing Bureau  
Kenneth S. Paul, Wakefield Health Officer  
EPA, Region 1